

1/6 3/20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT** application of:

Applicant: John R. Owens
Application No.: 10/815,608
For: NEWSPRINT DISPENSING DEVICE
Filing Date: April 1, 2004
Group Art Unit: 3728
Examiner: Unknown

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(b)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This request for reconsideration is being submitted in response to the decision mailed on November 2, 2004. In this decision, it was asserted that (1) the Statement of Facts did not establish that a complete copy of the application was mailed to Mr. Owens and (2) there is no combined declaration and power of attorney present in the application file. In response, the following items are hereby submitted:

- Combined Declaration and Power of Attorney for Patent Application signed on behalf of Avery Dennison Corporation by Vice President and Group Counsel, Roll Materials Worldwide; and
- Statements of Facts in Support of Filing on Behalf of a Nonsigning Inventor.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

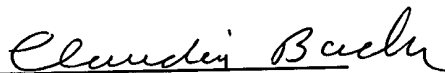
By Cynthia S. Murphy
Cynthia S. Murphy
Reg. No. 33,430

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 3, 2005



Claudia Bader

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**COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: **NEWSPRINT DISPENSING DEVICE**

the specification of which

- (a) ___ is attached hereto.
(b) X was filed on April 1, 2004 as Serial No. 10/815,608 or Express Mail No. _____,
as Serial No. not yet known, and was amended on _____ (if applicable).
(c) ___ was described and claimed in PCT International Application No. _____ filed on
_____ and amended under PCT Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations §1.56(a).

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER (35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NO.
60/460,271

FILING DATE
April 4, 2003

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. OR PCT APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

APPLICATION NO.	U.S. FILING DATE (month day year)	STATUS (Patented, Pending, Abandoned)
_____	_____	_____
_____	_____	_____

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Arthur B. Moore, Reg. No. 29,958
Keith A. Newbury, Reg. No. 38,980
Warren A. Sklar, Reg. No. 26,373
Cynthia S. Murphy, Reg. No. 33,430
Heidi A. Boehlefeld, Reg. No. 34,296
Thomas W. Adams, Reg. No. 35,047
Jonathan A. Platt, Reg. No. 41,255
Marisa J. Zink, Reg. No. 48,064

John W. Cornell, Reg. No. 30,619
Armand P. Boisselle, Reg. No. 22,381
Neil A. DuChez, Reg. No. 26,725
Jay R. Campbell, Reg. No. 33,660
Mark D. Saralino, Reg. No. 34,243
Todd R. Tucker, Reg. No. 40,850
Shawn A. McClintic, Reg. No. 45,856

Send Correspondence To:

CYNTHIA S. MURPHY

RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 Euclid Avenue, 19th Floor
Cleveland, Ohio 44115

Direct Telephone Calls To:

(name and telephone number)

CYNTHIA S. MURPHY

(216) 621-1113

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

Full name of **sole or first inventor** John R. Owens

Inventor's signature _____

Date _____ Country of Citizenship USAResidence Winneconne, WisconsinPost Office Address 5976 Courtney Plummer RoadWinneconne, Wisconsin 54986Full name of **second joint inventor**, if any, _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION

X Signature for third and subsequent joint inventors. Number of pages added 2. Added page to combined declaration and power of attorney for signature by one joint inventor on behalf of omitted inventor(s) who refuses to sign or cannot be reached. This declaration ends with this page.



PATENT

AVERP3538USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicant: John R. Owens
Title: NEWSPRINT DISPENSING DEVICE
Serial No.: 10/815,608
File date: April 1, 2004
Art Unit: 3728
Examiner: Unknown

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO SIGN ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(b))

I, Christian A. Simcic, hereby declare that: I am a citizen of the United States and am authorized by the following juristic entity with sufficient proprietary interest:

Avery Dennison Corporation, a Delaware Corporation
150 North Orange Grove Blvd.
Pasadena, California 91103-3596.

My authority to sign on Avery Dennison Corporation's behalf arises as the result of my position of Vice President and Group Counsel, Roll Materials Worldwide for Avery Dennison Corporation. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for: John R. Owens, the inventor who refused to sign.

Country of Citizenship of nonsigning inventor: United States of America

Last known address of nonsigning inventor: 5976 Courtney Plummer Road,
Winneconne, WI 54986

Upon information and belief, I aver those facts that the inventor is required to state, 37 C.F.R. § 1.64(b).

Accompanying this declaration is:

A Statement Of Facts In Support Of Filing On Behalf Of Nonsigning Inventor,

A Statement By Person Having First Hand Knowledge That The Nonsigning Inventor Was an Employee Of Or Was Otherwise Obligated To An Entity Having Sufficient Proprietary Interest In The Invention When It Was Made,

A Statement Of Proof Of Need To Prevent Irreparable Damage Or Preserve The Rights Of The Parties,

A Memorandum Of Law Establishing That a Court Of Competent Jurisdiction Would Award Title In The Invention To The Legal Entity On Whose Behalf This Application Is Being Filed, and

the petition fee of \$130.00. (37 C.F.R. § 1.17(l))

7/19/04
Date



Christian A. Simcic
Group Vice President
Roll Materials Worldwide
Avery Dennison Corporation

PATENT



AVERP3538USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants: John R. Owens
Application No.: 10/815,605
For: NEWSPRINT DISPENSING DEVICE
Filed: April 1, 2004
Art Unit: 3728

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING
INVENTOR (37 CFR 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort to secure the execution of the declaration by the non-signing sole inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited herein. In particular, the person making the statement of facts is:

Cynthia S. Murphy
1621 Euclid Avenue, 19th Floor
Cleveland, Ohio 44115

The last known address of the non-signing sole inventor is as follows:

John R. Owens
5976 Courtney Plummer Road
Winneconne, WI 54986
Citizenship: United States

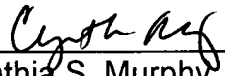
The following are the facts in support of demonstrating that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the non-signing sole inventor for signature:

A. Statement by Cynthia S. Murphy

1. I am a Patent Attorney at the law firm of Renner, Otto, Boisselle & Sklar, LLP and am currently assisting Avery Dennison Corporation with various Intellectual Property matters.
2. The non-provisional patent application was filed on April 1, 2004.
3. On June 7, 2004, I sent a full copy of the application as filed (including specification, claims and drawings), an Assignment, and a Combined Declaration and Power of Attorney, to Mr. Owens at 5976 Courtney Plummer Road, Winneconne, WI 54986 via certified mail. Mr. Owens was requested to sign the Declaration and Power of Attorney.
4. As of January 3, 2005, no response has been received from Mr. Owens.

Date: January 3, 2005

Signature:


Cynthia S. Murphy